

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

UNION PACIFIC RAILROAD COMPANY,

Plaintiff,

v.

WINECUP GAMBLE, INC. and PAUL
FIREMAN,

Defendants.

Case No.: 3:17-CV-00477-LRH-CLB

ORDER VACATING TRIAL

The District of Nevada has issued a series of general orders to address the Court's efforts to mitigate the spread of COVID-19¹. The Court notes that there has been an uncontrolled surge in Northern Nevada of the Omicron variety of COVID-19 over the past month. At the current time the COVID-19 infection rate is either at or near an all time high and local hospitals are experiencing unusually high occupancy.

The jury trial in this action has been estimated to require approximately two weeks of court time. Based upon the undersigned's experience, it appears that at least 80 perspective jurors would need to be summoned for jury selection in this case. Additionally, the Court notes that there are numerous counsel representing the parties in this action and that the majority of them are from out of state. Moreover, some 36 perspective witnesses have been listed and the majority of them are

¹ Available at <https://www.nvd.uscourts.gov/court-information/rules-and-orders/general-orders/>.

1 from outside the Reno Sparks area. Upon consideration of the health risks involved under current
2 circumstances, the Court finds it is necessary and appropriate to continue the calendar call and jury
3 trial set in this matter.

4 **IT IS THEREFORE ORDERED** that the Jury Trial currently set for 8:30 A.M., Tuesday,
5 February 22, 2022, AND the Calendar Call set for 1:30 P.M., Thursday, February 10, 2022 are
6 **VACATED**.

7 **IT IS FURTHER ORDERED** that the parties are offered the following three alternative
8 dates to **RESCHEDULE** the Jury Trial:

9 Monday, July 11, 2022;

10 Monday, September 12, 2022; and

11 Monday, October 3, 2022.

12
13 **IT IS FURTHER ORDERED** that the parties shall contact Courtroom Administrator
14 Katie Sutherland 775.686.5758 or Katie_Sutherland@nvd.uscourts.gov with the mutually agreed
15 upon date for rescheduling the Jury Trial. If the proposed dates are unavailable to counsel and the
16 parties, a status conference will be scheduled.

17 The Court is sympathetic to counsel and parties in this case due to the delays and the
18 frustrations created by the COVID-19 pandemic. Recognizing that there may be a prospect of
19 settlement for litigation such as this, the Court hereby refers this action to Magistrate Judge Carla
20 L. Baldwin for status conference to determine if a settlement conference may be of value in this
21 action. A status conference will be scheduled by Magistrate Judge Baldwin's staff.

22 The Court also expresses its willingness to conduct a Judge tried case of this action at a
23 mutually convenient time in the event that the parties agree and offer to waive their rights to a jury
24 trial in this action. They are under no obligation to do so however.

25 **IT IS SO ORDERED.**

26 DATED 21st day of January 2022.

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28 
LARRY R. HICKS
UNITED STATES DISTRICT JUDGE